

**TRANSLATION**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>B-1330-WO</b>	<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No. <b>PCT/EP2004/053258</b>	International filing date ( <i>day/month/year</i> ) <b>03.12.2004</b>	Priority date ( <i>day/month/year</i> ) <b>23.12.2003</b>
International Patent Classification (IPC) or national classification and IPC <b>B65G47/256, B29C49/42</b>		
Applicant <b>SIDEL PARTICIPATIONS</b>		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> ( <i>sent to the applicant and to the International Bureau</i> ) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> ( <i>sent to the International Bureau only</i> ) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-16 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. 1-11 \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets 1/3-3/3 \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-11</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims <u>2-10</u>	YES
		Claims <u>1, 11</u>	NO
	Industrial applicability (IA)	Claims <u>1-11</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
	<p>In the present report, reference is made to the following documents:</p> <p>D1: WO 02/36466 A (CHARPENTIER ALAIN; SIDEL SA (FR)) 10 May 2002 (2002-05-10);</p> <p>D2: US 5 186 307 A (DULONG ALAIN ET AL) 16 February 1993 (1993-02-16).</p> <p>1. Document D1, which is considered to be the prior art closest to the subject matter of claims 1 and 3, describes a preform supply system as per the preamble in claims 1 and 3.</p> <p>2.1 It follows that the subject matter of claim 1 differs from the preform supply system known from D1 in that the filtering means comprise, downstream from the aligning rollers, at least one selective disposal device for disposing of individual so-called non-upright preforms, i.e. preforms which arrive from the rollers lying down in a longitudinal position on the conveyor rails and which extend generally longitudinally thereon.</p>		

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>It is clear from the application that the disposal of interlocked non-upright preforms is not ruled out by the selective disposal device as per the invention and that this is even a preferred embodiment thereof (see claim 4).</p> <p>2.2 Document D2 describes a preform supply system including conveyor rails and a selective disposal device for disposing of, <i>inter alia</i>, preforms lying lengthwise on the rails.</p> <p>Even though, in document D2, preforms lying lengthwise on the rails include only preforms that are in such a position as a result of interlocking with another preform, the selective disposal device of document D2 is based on the disposal of preforms of which the centre of gravity is located above the position that the centre of gravity of a preform in a normal situation would have. Irrespective of the cause of the non-upright position of the preform, the selective disposal device in document D2 removes any object in a non-upright position on the rails because of the position of its centre of gravity relative to said rail (figure 4).</p> <p>It follows that it would be obvious for a person skilled in the art faced with the problem of blockages caused by the presence of individual or interlocked preforms in a non-upright position on the conveyor rails in the preform supply system as</p>

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	<p>per D1 to use the selective disposal device of D2. As a result, the subject matter of <b>claim 1</b> does not involve an inventive step (PCT Article 33(3)).</p> <p>2.3 Since the technical features in claim 11 are known from document D1, in so far as said <b>claim 11</b> is directly dependent on claim 1, it does not fulfil the PCT requirement of inventive step (PCT Article 33(3)).</p> <p>2.4 <b>Claim 2</b> fulfils the PCT requirements of novelty and inventive step (PCT Article 33(2) and 33(3)).</p> <p>3. The subject matter of independent claim 3 differs from the preform supply system known from D1 (see point 1) in that the filtering means comprise, downstream from the aligning rollers, at least one selective disposal device for disposing of the so-called non-upright preforms, i.e. individual or interlocked preforms which arrive from the rollers lying lengthwise on the conveyor rails and extending generally longitudinally thereon, and in that the selective disposal device comprises mobile disposal means controllably moved by a drive actuator.</p> <p>The combination of technical features in claim 3 is not known from, or suggested by, the prior art and provides a very high-speed automatic supply system. It follows that the subject matter of <b>claim 3</b> fulfils the PCT requirements of novelty and inventive step (PCT Article 33(2) and 33(3)).</p>

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Box No. V

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4. **Claims 4-10** are dependent on claim 3 and, as such, therefore also fulfil the PCT requirements of novelty and inventive step (PCT Article 33(2) and 33(3)).